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8                   UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA  
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10                  LAURA LEE SMITH,

11                  Petitioner,

12                  v.

13                  DOUG COLE,

14                  Respondent.

15                  Case No. C10-5325BHS/JRC

16                  REPORT AND RECOMMENDATION TO  
DENY IN FORMA PAUPERIS STATUS

17                  NOTED FOR: June 25, 2010

18                  This habeas corpus action, filed pursuant to 28 U. S.C. 2254, has been referred to the  
undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636 (b) (1) (A) and 636 (b) (1) (B)  
and Local Magistrate Judge's Rules MJR 3 and MJR 4.

19                  Petitioner seeks to proceed in forma pauperis, but has an average spendable balance in  
her account that would allow for payment of the full five dollar filing fee (Dkt. # 1). Petitioner  
earns ninety dollars a month (Dkt. # 1).

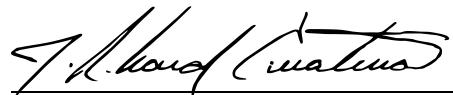
20                  The district court may permit indigent litigants to proceed in forma pauperis upon  
completion of a proper affidavit of indigence. *See* 28 U.S.C. § 1915(a). However, the court has  
broad discretion in denying an application to proceed in forma pauperis. Weller v. Dickson, 314

1 F.2d 598 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963). Petitioner has the funds needed for  
2 full payment.

3 Petitioner has not shown that she is unable to pay the full filing fee to proceed with her  
4 petition. Accordingly, the court recommends the in forma pauperis status be **DENIED and**  
5 **petitioner be given thirty days to pay the filing fee.**

6 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil  
7 Procedure, the parties shall have fourteen (14) days from service of this Report to file written  
8 objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those  
9 objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the  
10 time limit imposed by Rule 72(b), the clerk is directed to set the matter for consideration on June  
11 25, 2010, as noted in the caption.

12 Dated this 2<sup>nd</sup> day of June, 2010.  
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16 J. Richard Creatura  
United States Magistrate Judge  
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